

Arizona Governor, 1923-1929 (George Wylie Paul Hunt)
Committee on the Allocation of the Benefits of the
Colorado River.

Plan of Development of the Colorado River

*Submitted by Arizona Delegation to
California and Nevada Delegations
December 14, 1925*



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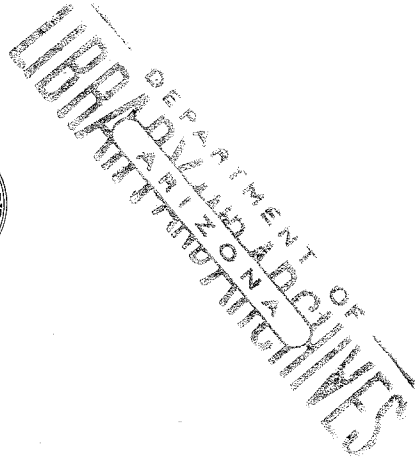
*to the Delegates Representing
the States of*

California *and* Nevada

in Reference to the Development of

The Colorado River

Submitted by the Arizona Delegation, December 14, 1925.



ARIZONA DELEGATION.

Cleve W. Van Dyke of Miami, Chairman; H. S. McCluskey of Phoenix, Secretary; Thomas Maddock of Phoenix; F. A. Reid of Phoenix; A. G. McGregor of Warren.

CALIFORNIA.

Senator Ralph E. Swing of San Bernardino, Chairman.

NEVADA.

Charles P. Squires of Las Vegas, Chairman.

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Counter - Proposal of the Arizona Committee on the Allocation of the Benefits of the Colorado River to the Committees of California and Nevada which was Submitted to Arizona Dec. 1, 1925

The States of Arizona, California and Nevada have appointed representatives for the purpose of negotiating an agreement among said states in reference to the waters of the Colorado River, who, after negotiations, have agreed upon the following articles:

ARTICLE I.

It is recognized by the parties hereto that the unregulated normal flow of the Colorado River is insufficient to properly irrigate the lands already under cultivation by irrigation from the waters of said river; that the benefits of the storage of the flood waters of said river within the United States belong wholly to the citizens of the respective states; that without disparagement of the treaty making power of the United States government, the states party hereto and Congress of the United States in consenting to this agreement shall be understood as declaring: That it is their purpose to utilize within the borders of such states all of the waters of the normal flow of the Colorado River heretofore appropriated and put to beneficial use in accordance with the laws of the states in which the same are being put to beneficial use, and all of the flood waters of the Colorado River capable of being utilized within the borders of the United States, for any purpose, by the construction of storage dams within the United States, and particularly that the Republic of Mexico and the citizens thereof shall take notice that they can not acquire any moral or equitable claim to the waters of the Colorado River temporarily made available for use in said Republic of Mexico by the regulatory effect of any dam or dams constructed in pursuance of this agreement as it is the intention and purpose of the states party hereto and the United States to ultimately utilize all of such waters within their own borders. Any express or implied acknowledgment of rights to the Republic of Mexico to the waters of the Colorado River by any instrument, agreement or compact signed prior to this agreement which is inconsistent with the declarations of this paragraph, if there be any such inconsistent acknowledgment or

declaration, is hereby withdrawn and shall not be renewed or re-asserted without the consent of the states party hereto.

ARTICLE II.

The States of Arizona, California and Nevada hereby agree that the waters of the Colorado River and its tributaries in said states shall be divided, allotted and appropriated as follows:

(a) All of the waters of the tributaries of the Colorado River which flow into said river below Lee Ferry, Arizona, are hereby allotted and appropriated exclusively in perpetuity to the states in which such tributaries are located, and may be stored in and diverted from said tributaries or the main channel of the Colorado River for use in said states.

(b) There is hereby allotted and appropriated to the State of Nevada for use in said state that portion of the total amount of water of the main Colorado River as measured at Lee Ferry, which can be beneficially used for agricultural and domestic purposes, not exceeding 300,000 acre feet per annum.

There is hereby allotted and appropriated for agricultural and domestic use to each of the States of Arizona and California from the remainder of the water available as measured at Lee Ferry, one-half of the waters of the Colorado River.

(c) Any diminution of the amount of water allotted to each state between the point of measurement and the point of delivery, caused by evaporation and seepage in storage or in transit, shall be borne by each state from its original allotment.

(d) The States of Arizona, California and Nevada hereby agree to limit and control future appropriations and beneficial use of water in said respective states to such an amount and in such manner as will insure that present perfected rights in each said state will be fully protected and supplied out of waters hereby allotted to said state.

ARTICLE III.

The following rules shall apply to the use and storage of water under this agreement:

(a) The use of water for irrigation and domestic purposes allotted in Article II hereof shall be superior to any right of storage for power purposes or navigation and any of said states may divert from the river the water allotted to it at any point on the river, provided that if any state shall take any water so allotted to it out of the main channel of the Colorado River at a higher elevation than the highest elevation of the bed of said river in said state, the works constructed for such purpose shall not interfere with a beneficial development in the state entitled to develop such fall of the river and the state or states taking out water at

such higher elevation shall fully compensate the other states affected thereby for the loss of power caused thereby to such states.

(b) The prior construction of any dam or reservoir for power purposes shall not give any prior or superior right to such dam or reservoir to the regulation of the flow of the river for the benefit of such dam or reservoir, but the rights of all dams and reservoirs constructed under this agreement for power purposes shall be on an equality regardless of the date of construction thereof subject to the following:

(1) Yearly and seasonal stored water shall be held at as high elevations on the river as possible in order to reduce evaporation losses and provide regulation for power as well as for irrigation, domestic and flood control purposes.

(2) Re-regulation storage for seasonal and daily variations in demand shall be located as close to the land to be irrigated as possible and water for irrigation and domestic purposes shall be supplied first from the nearest reservoir above the point of diversion of such waters.

ARTICLE IV.

The territory of no state shall be entered upon for the purpose of construction or maintaining works utilizing the water of the Colorado River except with the consent, and subject to the laws, of such state.

ARTICLE V.

The necessity for flood protection and development of the Colorado River as herein provided for is hereby recognized and established. All private or public lands in Arizona, California and Nevada that are necessary for the construction and operation of works for the control and utilization of the Colorado River for flood protection, irrigation and domestic uses of water and the construction of dams for power purposes in pursuance of the provisions of this agreement shall be subject to the right of eminent domain of the state wherein such lands are located unless they have already been put to a more necessary public use.

ARTICLE VI.

Each of the states party hereto, and the United States, recognize the acute necessity for flood and drought protection for lands now in cultivation by irrigation from the waters of the Colorado River and hereby pledge their good faith to grant the necessary permits and licenses for such construction, also rights of way to any district or agency that may be created in pursuance of the terms of this agreement for the immediate construction of a reservoir in the main channel of the Colorado River at such

point as may be determined upon by the Federal government, if it be a government project, or by the majority of the states party to this agreement, if by some other agency. Such permits, licenses and rights of way shall include those necessary for the construction of the dam and reservoir and appurtenant works including hydro-electric power plants and transmission lines; provided, that no dam or other works shall be built in the bed of the Colorado River at any point in the river which when constructed will back up the water of the river so as to limit or interfere with the construction of a dam selected by any of the states for the diversion of water for irrigation or domestic purposes in that state.

ARTICLE VII.

Any state in which reservoir sites exist in the Colorado River or its tributaries, directly or through any district or agency created in pursuance of and hereafter authorized by the laws of said state, may build dams, hydro-electric power plants and appurtenant works in such state and operate or lease the same. Where the reservoir is situated in two or more states, such dams, power plants and appurtenant works may be built, operated or leased jointly by the two or more states, or by any district or agency that may be created in pursuance of the laws of such states. Such state or states may sell or lease the power produced by such dams or power plants, and may impose taxation on such dams, power plants, transmission lines and other property incident thereto, and may collect royalties on the power produced by such dams or power plants or any of them or impose a tax on such power or provide for both such tax and royalties on such power. Where development works are constructed in two or more states, the entire hydro-electric plant, including dams, reservoirs, power houses and appurtenant works shall be considered a unit in all matters relating to the financing of construction, the operation, lease, collection of royalties and taxation, regardless of the location of the power plants with reference to state boundaries. The cost of the construction of all such development works shall be borne by the respective states, districts or agencies created in pursuance of the laws of such states, and all power and revenue from the sale or lease of power, or royalties on the same, or taxation of such power or works, shall be divided among the states in direct proportion to the present amount of fall which the river makes in each state between the dam and the elevation of the bed of the stream reached by the back water when the reservoir is filled. Where the river forms the boundary between two states, each state shall be allotted one-half of the fall which occurs in the present river bed on such

joint boundary for the purpose of computing the relative proportions allotted to each state.

ARTICLE VIII.

The use of power developed by such dams and works shall never vest in perpetuity in any private person or corporation, but the states and citizens of states in which such power is developed shall have preferred rights to its use whenever the need for it may arise; provided, that leases for the use of power for terms not exceeding fifty (50) years may be made by any such state or states, or any district or agency hereafter created in pursuance of law when approved in such manner as may be provided by the laws of such state or states in which the power sites are situated; provided further, that any state party hereto shall have the right to grant in perpetuity to any political subdivision or municipal corporation of such state the share of the power to which such state is entitled under the provisions of Article VII. hereof.

ARTICLE IX.

In the construction and operation of all dams and power plants for the utilization of the waters of the Colorado River, undertaken in pursuance of the terms of this agreement, the following rules shall apply:

Where such dams and power plants are located wholly in one state, the laws of that state shall govern such construction and operation. Where such dams and power plants are located in more than one state, the states affected shall agree upon the plans and rules and regulations for such construction and operation and upon the agency to be adopted for such joint construction and operation; provided, that in the event two states are affected and they shall be unable to agree upon any such matter each of said states shall appoint a competent person as arbitrator and the two arbitrators so appointed shall agree upon a third arbitrator and the three arbitrators so appointed shall determine all such matters not agreed upon by said states.

ARTICLE X.

Whenever the construction of a reservoir in two or more states shall be determined upon, the states in which the same is situated shall agree upon the royalties and taxes to be collected on the power to be produced by such reservoir and the works connected therewith and make any agreement that may be necessary to the taxation of such reservoir and works, provided said states shall be unable to agree or it shall be found impracticable to carry out a satisfactory agreement because of restrictions in the constitutions of said states or any of them, said states shall have allotted to them for their several use, benefit and disposition their

proportionate share (as determined by Article VII.) of the power produced by such reservoir and works.

ARTICLE XI.

In the event the United States shall undertake the construction, financing and operation of any development on the Colorado River, for flood control, irrigation or power purposes, and requires the repayment of funds advanced for such purposes, such repayment to the government shall be made in accordance with the United States Reclamation Act and amendments thereto. Each state shall assume an obligation in proportion to the allotment of water and power as provided in this agreement, and assure the government the repayment of all construction costs together with any interest charged for the full amount so advanced.

The allocation of water and power, as in this agreement provided, shall inure to the benefits of the states party hereto. Operation and administration of the same shall be under such state agencies as are created in accordance with the irrigation laws of the respective states. After all obligations to the government have been met, the entire benefits shall become the property of the states interested, as provided in Article VII. of this agreement. The contract with the United States to construct works in the states shall provide for dams, power plants, irrigation works, canals, and pumping plants which will enable each of the respective states to irrigate in each state an amount of land proportionately equal to the allotment of water of such state. Any irrigation development where there is a cost for pumping shall be the beneficiary of the revenues derived from the sale of any portion of the power which is allotted to the respective states. Contracts for the sale of power shall be made agreeable to the respective states within which the power is developed.

ARTICLE XII.

This agreement shall not become effective until it is approved by the Legislatures and Governors of the States of Arizona, California and Nevada, and by the Congress of the United States.

Submitted by the Arizona Committee.